

REMARKS

It is respectfully requested that this Preliminary Amendment be entered in the above-identified application prior to examination.

By means of the present Preliminary Amendment, the claim 1 has been amended. Amended claim 1 is supported throughout the disclosure. For Example see page 12, lines 22-27, page 22, line 1- page 23, line 1. Therefore, no new matter has been entered into the disclosure by the amendment to claim 1. Amended Claim 1 is directed to a personal phone having means for carrier sensing a transmission slot prior to transmission of a signal to avoid collision wherein if the transmission slot is in use, the mobile station requests a different transmission slot assignment and a signal that was already in transit in said transmission slot is not stopped.

This feature is neither disclosed nor suggested in the cited references. Specifically, Maxemchuk discloses that carrier sensing of a transmission slot occurs **during** transmission of the signal. See Maxemchuk, Col 6, lines 25-28, (“Collision is detected by the mobile unit when it finds out that the channel is carrying more than just its own transmission”).

The present application has also been amended to include a cross reference to the parent application, U.S. serial No. 09/443,691 filed on November 19, 1999.

Also, enclosed herewith is the certified translation of the foreign priority document of the present application. Tanoue is only available as a §103/102(e) prior art reference. The Tanoue reference is assigned to NEC Corporation, which is the assignee of the present application. Therefore, Applicant respectfully contends that Tanoue is not available as a §103 reference as the reference has a common assignee. Under §103(c) subject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f), or (g) of section 102 of this title, shall not preclude patentability under this section where the subject

matter and the claimed invention were at the time of the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See 35 U.S.C. § 103(c).

In view of the above, early and favorable consideration are respectfully requested.

Respectfully submitted,



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